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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

8
9 United States of America,

10 Plaintiff,

11 v.

12 Victor Eduardo Lopez-Ruiz,

13 Defendant.

14
15 **NO. CR-16-00388-001-PHX-SMM**

16 **ORDER OF DETENTION PENDING**
17 **DISPOSITION (PURSUANT TO**
18 **18 U.S.C. § 3143)**

19
20 In accordance with the Bail Reform Act, 18 U.S.C. § 3143, a detention hearing was
21 submitted on 9/18/2019. Defendant was present and was represented by counsel. The
22 defendant has not rebutted by clear and convincing evidence that he is not likely to flee if
23 released.

24 **FINDINGS OF FACT**

25 I find by a preponderance of the evidence that:

- 26
- 27 The defendant is not a citizen of the United States or lawfully admitted for
28 permanent residence.
 - 29 The defendant, at the time of the charged offense, was in the United States
30 illegally.
 - 31 If released herein, the defendant faces removal proceedings by the Bureau of
32 Immigration and Customs Enforcement, placing him/her beyond the jurisdiction of
33 this Court and the defendant has previously been deported or otherwise removed.
 - 34 The defendant has no significant contacts in the United States or in the District of
35 Arizona.
 - 36 The defendant has no resources in the United States from which he/she might
37 make a bond reasonably calculated to assure his/her future appearance.
 - 38 The defendant has a prior criminal history.

- 1 The defendant lives/works in Mexico.
2 The defendant is an amnesty applicant but has no substantial ties in Arizona or in
3 the United States and has substantial family ties to Mexico.
4 There is a record of prior failure to appear in court as ordered.
5 The defendant attempted to evade law enforcement contact by fleeing from law
6 enforcement.
7 The defendant is facing a maximum of years imprisonment.
8 The defendant has been ordered detained on the underlying 8 USC 1326(a)&(b)(1)
9 charged in Case No: 19-1670MJ.

10 The Court incorporates by reference the material findings of the Pretrial Services Agency
11 which were reviewed by the Court at the time of the hearing in this matter, except as
12 noted in the record.

CONCLUSIONS OF LAW

- 13 1. There is a serious risk that the defendant will flee.
14 2. No condition or combination of conditions will reasonably assure the appearance
15 of the defendant as required.

DIRECTIONS REGARDING DETENTION

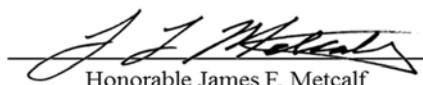
16 The defendant is committed to the custody of the Attorney General or his/her designated
17 representative for confinement in a corrections facility separate, to the extent practicable,
18 from persons awaiting or serving sentences or being held in custody pending appeal. The
19 defendant shall be afforded a reasonable opportunity for private consultation with defense
20 counsel. On order of a court of the United States or on request of an attorney for the
21 Government, the person in charge of the corrections facility shall deliver the defendant to
22 the United States Marshal for the purpose of an appearance in connection with a court
23 proceeding.

APPEALS AND THIRD PARTY RELEASE

24 IT IS ORDERED that should an appeal of this detention order be filed with the
25 District Court, it is counsel's responsibility to deliver a copy of the motion for
26 review/reconsideration to Pretrial Services at least one day prior to the hearing set before
27 the District Court.

28 IT IS FURTHER ORDERED that if a release to a third party is to be considered, it
29 is counsel's responsibility to notify Pretrial Services sufficiently in advance of the hearing
30 before the District Court to allow Pretrial Services an opportunity to interview and
31 investigate the potential third party custodian.

DATE: 9/18/2019



Honorable James F. Metcalf
United States Magistrate Judge